

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BRIAN HILL

PLAINTIFF

v.

Civil No. 6:17-cv-06065

WENDY KELLY, *et.al.*

DEFENDANTS

ORDER

Plaintiff proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's failure to obey a Court Order.

I. BACKGROUND

On February 12, 2018, Plaintiff notified the Court by phone of an address change. As the new address indicated Plaintiff was no longer incarcerated, the Court entered an Order on February 13, 2018, directing Plaintiff to complete an IFP application reflecting his free-world financial status. (ECF No. 30). This Order was not returned as undeliverable. Plaintiff did not comply with the Order.

II. LEGAL STANDARD

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on "the plaintiff's failure to comply with *any* court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

III. ANALYSIS

Plaintiff has failed to comply with a Court order. Plaintiff has failed to prosecute this case. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2) Plaintiff's Complaint should be dismissed without prejudice for failure to comply with the Court's Local Rules and Orders and failure to prosecute this case.

For these reasons, IT IS ORDERED that Plaintiff's claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 16th day of March 2018.

/s/ P. K. Holmes. ///

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE